

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8502 of 2020

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Khushboo Kumari, Age 29 years, Gender-Female, Daughter of Janardan Sharma, Resident of Village - Auri, Police Station - Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Munger Division, Munger.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (Estt.), Lakhisarai.
6. The Block Education Officer, Halsi, District - Lakhisarai.
7. The Head Master (Incharge) newly created Primary School Singhpur Musahari, Gram Panchayat Raj, Kaindi, Police Station- Halsi, District - Lakhisarai.
8. Panchayat Secretary, Gram Panchayat Raj, Kaindi, Police Station- Halsi, District - Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Vinay Prasad Singh @ Sanjay, Advocate
For the State	:	Ms. Shilpa Singh, GA 12 with AC to GA 12

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 21-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ram Vinay Prasad Singh @ Sanjay, learned counsel for the petitioner and Ms. Shilpa Singh, learned GA 12 along with learned AC to GA 12 for the State.

3. The petitioner has moved the Court for the following reliefs:



“(i) A writ in the nature of mandamus commanding and directing up on the Respondents concerned (specially Respondent No. 4 and 5) to pay the due salary of the petitioner of the working period since 07.07.2012 to up till now in view of order dated 18.01.2016 passed in Appeal Case No. 22 of 2015-16 under which Respondents were directed to make payment of the due salary of the petitioner on the basis of absentee sent by the competent authority as well as in view of consequential letter bearing Letter No. 43 dated 12.01.2019 issued from the level of Respondent No. 3 (Regional Deputy Director of Education, Munger) addressed to Respondent No. 4 (District Education Officer, Lakhisarai) directing to ensure the payment of due salary to the petitioner earns in compliance to order passed by learned District Appellate Authority, Lakhisarai but scarcely one month salary of November, 2019 has only been paid and rest has not been paid as yet without assigning any valid reason which is not only illegal rather contrary to Article 21 as well as Article 23 of the Constitution of India.

(ii) For issuance of a writ in the nature of certiorari setting aside the Letter No. 940 dated 31.07.2020 (as contained in Annexure-10) issued under the signature of Respondent No. 5 (District Programme Officer (Estt.), Lakhisarai under which without proper verification of absentees sent by the Headmaster of the School (Respondent No. 7) as well as with oblique motive directed the petitioner and others who has been paid due salary of one month only be refunded within (3) three days failing with criminal case will be instituted against the petitioner which is not proper in the eye of law.

(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

4. At the outset, learned counsel for the State submitted that counter affidavit has been filed which discloses that the very



appointment of the petitioner was based on forged document for which proceedings have been initiated and she is also accused of fraudulent withdrawal of money.

5. Learned counsel for the petitioner submitted that the matter of fraudulent certificate being submitted by the petitioner for the sake of employment is still *sub judice* and the petitioner has not yet been declared guilty. However, he fairly submitted that the writ petition be disposed off with liberty to move before the appropriate forum, in accordance with law, as would be required, in the event the petitioner is exonerated of the charges.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, as the case may be, in the event she is exonerated of the charges.

7. Let the main application supported by affidavit be e filed by learned counsel for the petitioner latest by day after tomorrow.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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